



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

DEC 28 2016

Mr. Scott MacFarlane  
NBC Washington  
4001 Nebraska Avenue  
Washington, DC 20016

OFFICE OF  
INSPECTOR GENERAL

Re: Freedom of Information Act Request (EPA-HQ-2016-003973) – Final Disposition Letter

Dear Mr. MacFarlane:

This letter responds to your Freedom of Information Act request to the Environmental Protection Agency Office of Inspector General dated February 19, 2016, seeking disclosure of copies of “closing memos (ROIs) of closed and substantiated reviews/investigations into computer misuse issued since Jan. 1 2012.” On March 4, 2016, you modified that request for records to “only [cases] involving viewing of pornographic material.”

Documents responsive to your request are enclosed. Some redactions of information have been made to the documents pursuant to the FOIA, 5 U.S.C. § 552, Sections (b)(5), (b)(6), (b)(7)(C) and (b)(7)(E). All redactions within the responsive documents are made pursuant to Exemption (b)(6) and (b)(7)(C), unless otherwise noted.

Exemption (b)(5) exempts from disclosure inter-agency or intra-agency memoranda or letters which would not be available by law to a party other than an agency in litigation with the agency. This exemption generally allows agencies to exempt those documents that are privileged in the context of civil discovery. EPA OIG is invoking the deliberative process privilege of Exemption 5 to protect information that falls within that privilege’s domain.

Exemption (b)(6) exempts from disclosure any information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Exemption (b)(7)(C) provides protection for personal information in law enforcement records the disclosure of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. The names of individuals, and any information which may identify them have been withheld pursuant to Exemptions (b)(6) and (b)(7)(C).

Exemption (b)(7)(E) allows agencies to protect from disclosure all law enforcement information that would disclose techniques and procedures for law enforcement investigations or prosecutions or which would disclose guidelines for law enforcement investigation or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c) (2006 & Supp. IV 2010). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

You may appeal this decision to the Counsel to the Inspector General, Office of Counsel, Office of Inspector General, 1200 Pennsylvania Avenue NW, Mail Code (2411T), Washington, D.C. 20460 or via email at [oig\\_foia@epa.gov](mailto:oig_foia@epa.gov). The appeal must be made in writing and must be submitted no later than 90 calendar days from the date of this letter. The appeal letter and envelope should include the FOIA tracking number listed above and be marked "Freedom of Information Act Appeal."

Additionally, you may seek dispute resolution services from either the EPA FOIA Public Liaison ([hq.foia@epa.gov](mailto:hq.foia@epa.gov); 202-566-1667) or the Office of Government Information Services (OGIS). OGIS serves as a bridge between FOIA requesters and agencies and can be reached by email at [ogis@nara.gov](mailto:ogis@nara.gov), by phone at 1-877-684-6448, or by fax at (202) 741-5769.

If you have any questions concerning this matter, you may contact Scott Levine, EPA OIG FOIA Officer, at (202) 566-1512 or [oig\\_foia@epa.gov](mailto:oig_foia@epa.gov).

Sincerely,

A handwritten signature in blue ink that reads "Susan Barvenik". The signature is fluid and cursive, with the first name "Susan" and last name "Barvenik" clearly distinguishable.

Susan Barvenik  
Associate Counsel

Enclosures